IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

OP.No. 12285 of 2000(K)

PETITIONERS:

1. I.DENNISON, S/O. ISRAEL,
   'DAM SITE HOUSE',
   KALLIKADU, NEYYARDAM P.O.,
   THIRUVANANTHAPURAM.

2. D.JAYAKUMAR,
   S/O.DENNISON, 'JAYA BHAVAN',
   NEYYAR DAM P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.K.B.PRADEEP

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY CHIEF
   SECRETARY GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM.

2. CHIEF CONSERVATOR OF FORESTS,
   CONSERVATOR'S OFFICE, VAZHUTHACAUD,
   THIRUVANANTHAPURAM.

3. WILD LIFE WARDEN,
   TRIVANDRUM DIVISION, THIRUVANANTHAPURAM.

*ADDL.R4 IS IMPLEADED:

R4. THE DIRECTOR,
   REPRESENTING THE LAL BAHADUR SASTRI CENTER FOR
   SCIENCE & TECHNOLOGY, EXTRA POLICE ROAD,
   NANDAVANAM, THIRUVANANTHAPURAM – 33.

(*ADDL.R4 IS IMPLEADED AS PER ORDER DTD. 25/10/2002 IN
C.M.P.NO.52009/2002)

BY GOVERNMENT PLEADER SMT. LALTHA THANKAPPAN
BY ADV. SRI.P.B.SURESH KUMAR SC, LBS CENTRE

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 22/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

ORDER ON C.M.P.NO.20171/2000 IN O.P.NO.12285/2000 K

DISMISSED

22/11/2007 **SD/- KURIAN JOSEPH, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF JUDGMENT IN O.P.NO.6320 OF 1997-B DTD. 7/04/1997.**

EXT.P2: **COPY OF ORDER DTD. 28/09/1999 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONERS.**

EXT.P3: **COPY OF THE JUDGMENT IN C.C.C.NO.451 OF 1999 DTD. 30/09/1999.**

EXT.P4: **COPY OF THE LETTER DTD. 10/01/1995 ISSUED BY THE ASST.WILDLIFE WARDEN.**

EXT.P5: **COPY OF THE COMMUNICATION DTD. 13/04/1999 ISSUED BY THE CHIEF CONSERVATOR OF FORESTS TO THE CONSERVATOR OF FORESTS.**

EXT.P6: **COPY OF THE LETTER DTD. 26/05/1999 ISSUED BY THE CHIEF CONSERVATOR OF FORESTS TO THE CONSERVATOR OF FORESTS.**

EXT.P7: **COPY OF THE REPORT OF THE DIRECTOR, LBS CENTRE FOR SCIENCE & TECHNOLOGY, TRIVANDRUM ALONG WITH REPORT DTD. 28/09/1999 OF THE KERALA HIGHWAY RESEARCH INSTITUTE, TRIVANDRUM.**

EXT.P8: **COPY OF THE ABSTRACT DTD. NIL ACCEPTED BY THE RESPONDENTS.**

/TRUE COPY/

P.S.TO JUDGE

KSS

KURIAN JOSEPH, J.

O.P. No. 12285 of 2000

Dated this the 22nd day of November, 2007

JUDGMENT

The writ petition is filed with the following prayers:-

> (i) issue a writ of mandamus to the respondents to release an amount of Rs.23,28,786/- (Rupees Twenty three lakhs Twenty eight Thousand Seven Hundred Eighty Six only) to the petitioners regarding the Athermala Dormitory Construction and Type II Building Construction at Theerthakara.
>
> (ii) issue a writ of mandamus to the respondents to quantify utilising the services of an independent competent body, the loss if any occasioned to the Government in the matter of construction of Dormitory and Type II Building at Athermala and Theerthakkara with notice and opportunity to the petitioners within a time fixed by this Hon. Court.

The learned Special Government Pleader submits that a vigilance enquiry is pending in the matter. The work was executed in the year 1994. In case the vigilance enquiry has not so far been completed, there will be a direction to the competent authority to complete the enquiry within a period of six months from today; and if not, it shall be deemed that the entire proceedings are dropped. In respect of the works said to have been executed by

the petitioners, in case amounts due to them have not already been paid, the amounts, if any, due to the petitioners shall be paid on or before 30th September, 2008.

The writ petition is disposed of as above.

(KURIAN JOSEPH, JUDGE)

ahg.

KURIAN JOSEPH, J.

O.P.No. 12285 of 2000

JUDGMENT

22nd November, 2007